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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE RICHARD AND SHEILA J. McKNIGHT 2000 FAMILY TRUST, Richard McKnight Trustee; Plaintiff, v. WILLIAM J. BARKETT, an Individual; CASTAIC PARTNERS II, LLC, a California limited liability company; Defendants. -- And Related Intervenor Actions.	CASE NO. 10-cv-1617 RCJ **RESPONSE TO SUPPLEMENTAL MEMORANDUM AND PROPOSED "LODGED" ORDER FILED BY DACA (docket #'s 374, 375, 376)**

The Rasmussen Intervening Plaintiffs and Castaic Investors, LLC, by and through their counsel, Lisa A. Rasmussen, hereby respond to the following documents filed by DACA:

#374	Supplemental Memorandum filed by Fourth Party Plaintiff DACA regarding Motion for Certification of Final Judgment
#375	Notice of Lodgment of Proposed Order Amending Judgment
#376	Ratification of Real Party in Interest and Order Authorizing Certain Direct Lenders to Proceed on Guaranty Claims

I. THE PROCEDURE UTILIZED TO AMEND THE JUDGMENT SHOULD BE BY MOTION, NOT BY A SUPPLEMENTAL MEMORANDUM AND PROPOSED ORDERS

The procedural posture of this case has become unnecessarily convoluted and the undersigned needs both DACA and the Court to be very clear about what is being proposed in the Supplemental Memorandum filed by Fourth Party Plaintiff DACA. The undersigned also suggests that perhaps this should be done my motion, not just by submitting a proposed order that still leaves many questions unanswered. These matters are further complicated because the undersigned represents the Rasmussen Direct Lenders *and* members of Castaic Investors, LLC, and the documents filed by DACA do not aid the undersigned in understanding which direct lenders are to be the subject of the proposed "ratification order" or the proposed order "amending the judgment." One suggestion is that a request to amend the judgment be filed as a motion, not just a supplement to a motion to certify a judgment as final.

II. CONFUSION AS TO THE PRIOR ORDERS

This Court initially ruled, in 2012, that the guarantees and the notes could not be separated and that anyone who transferred their note to Castaic Investors also transferred their right to pursue a guaranty against Barkett. The Court also determined at that time that the direct lenders who transferred their interest to Castaic Investors, LLC could not force the other direct lenders who did not vote for the DACA Castaic plan to transfer their interest.

Subsequent Motions by DACA sought to clarify not only this issue, but the issue of whether the guarantees were in fact assigned with the notes. And if so, were they only transferred by those who voted for DACA-Castaic?

This Court then entered an order in January 2015 that clarifies the 51% vote rule, but did not specifically address the guarantee issue in enough detail for the undersigned to determine who may and who may not proceed on the guarantees.

DACA has now lodged a proposed order purporting to clarify this issue, but it does not identify which direct lenders it affects, other than saying "certain direct lenders." This needs to be very clear because the undersigned is already laboring under a difficult burden of segregating categories of Direct Lenders and clients.

It would be easier if the request for relief were done by motion and if it clearly identified the direct lenders that the order is intended to impact.

III. NO PRIOR CERTIFICATION BY THIS COURT/NO RECORD

Throughout these USACM/892 Case/ARC BK cases there has always been a procedure undertaken regarding votes on each loan or property whereby a tally of the votes were submitted to the Court for this Court's approval and certification and for an order authorizing the majority to act on behalf of the minority. That did not occur in this case. In fact, it has always just been stated that a majority of the direct lenders voted to join Castaic Investors, LLC, but no documentation has ever been filed or submitted to this Court for approval. The actual purchase-sale agreement was executed by Cross (MacAlan Duncan), not by the signature of the individual direct lenders. Since nothing was ever filed in this regard, even the undersigned has a difficult time separating out the Castaic Investor members from the non-members. Furthermore, the undersigned's clients who did not vote to join Castaic Investors may be subject to DACA's authority regarding foreclosure and transfer of the property, assuming they are a minority, but they take the position that they cannot be bound by the Operating Agreement of DACA-Castaic, and it is not clear as to where those direct lenders stand with regard to their right to proceed on the guarantees.

While the undersigned takes no position as to the propriety of the vote or the transfer to DACA, she still has clients in both categories and as a result, she must protect the interest of both categories. This requires, at a minimum, that she be able to articulate to her clients the relief sought by DACA. In other words, who is this going to impact?

This has become more or less hopelessly confusing and submitting a proposed order referencing "certain direct lenders" does nothing to clarify any of these issues. At a minimum, the undersigned believes it is reasonable that the request to amend the judgment (a) proceed by motion, rather than supplement, and (b) that it identify the direct lenders that are the object of the proposed order that was lodged (docket #376).

As it stands right now, the undersigned does not believe she can properly respond, if a response is needed, or if an objection is warranted.

DATED this 12th day of August, 2015.

LAW OFFICE OF LISA RASMUSSEN

/s/ Lisa A. Rasmussen

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Counsel for Rasmussen Plaintiffs and Castaic Investors, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am employed in Clark County, Nevada. I am over the age of eighteen (18) years and am not a party to this action. My business address is Law Office of Lisa Rasmussen, 601 S. 10th Street, Suite 100, Las Vegas, NV 89101.

On August 12, 2015, I served the foregoing:

RESPONSE TO SUPPLEMENTAL MEMORANDUM, AND PROPOSED ORDERS LODGED WITH THE COURT

on the interested parties in this action via CM/ECF as follows:

Party or Law Firm	Representing
Richard McKnight, Esq. David Mincin, Esq.	Plaintiffs
David Gilmore, Esq.	Defendants
Dean Kirby, Esq.	DACA-CASTAIC

/s/ Lisa A. Rasmussen

Lisa A. Rasmussen